

**DENTAL BOARD OF CALIFORNIA**

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**DENTAL BOARD OF CALIFORNIA**

Friday, January 27, 2006

South San Francisco, CA

**Full Board Minutes**Members Present:

George SooHoo, DDS, President  
Alan Kaye, DDS, Vice President  
Kamran Sahabi, Secretary  
Luis Dominicis, DDS  
Lawrence Hundley, DDS  
Ronald S. Mito, DDS  
Harriet Seldin, DDS  
Lewis Turchi, DDS

Members Absent:

David Baron, Public  
Kevin Biggers, Public  
Tricia Osuna, RDH  
Nora Vargas, Public

Staff Present:

Robert Hedrick, Executive Officer  
Donna Kantner, Regulations Analyst  
Greg Salute, Deputy Attorney General  
LaVonne Powell, DCA Legal Counsel

President SooHoo called the meeting to order at 9:04am and Secretary Sahabi called the roll, establishing a quorum.

Agenda Item 1 – Approval of Minutes of November 17, 2005 Meeting

Member Seldin noted that on page 4 of the minutes under Agenda Item 9 in the discussion of the WREB examination the minutes do not state that the passing score for the WREB is 75% overall, requesting that correction. M/S/P (Turchi/Sahabi) to accept the minutes as corrected.

Agenda Item 2 – President's Report

President SooHoo welcomed new Board members Luis Dominicis and Ronald Mito. He expressed confidence in the new Executive Officer and Legal Counsel. He stressed the importance of communication and expressed his excitement at moving forward with the CIF/SLE Pilot Project. He added that the board will become a member of WREB and thereby have input into that examination process, and that the WREB exam will be an additional avenue to licensure. He announced Committee appointments with the exception of the Licensing Committee.

### Agenda Item 3 – Executive Officer's Report

Executive Officer Hedrick reported that it has been a quick four months, adding that some new processes and procedures are in place, and some are before the board today. He reported he is looking at workload allocations, backup and cross training for each staff member. He reported that a new Enforcement Chief has been selected, and will be announced as soon as certain Personnel Board requirements are completed. He noted that the two April RT exams should clear the current applicants, allowing for a new application period to open. He added that this is the first year with WREB as a pathway to licensure, and that the staff will be watching what impact that will have on applications for the California clinical exam. He reported that staff is working on documentation, institutional memory and record keeping, also proceeding with WREB membership. He reported that regarding the WREB Emergency regulation package, the board voted to accept the language on November 18, Friday afternoon, and staff filed the package on November 23, Thanksgiving week, at three working days possibly the quickest movement on any regulation package in the Board's history. He reported that applications and instructions are ready to go as soon as the regulations are in place. He added that there is also information on the website regarding the changes to the RT exam, and although some equipment problems have come up the intent is to proceed with the existing exam dates if at all possible. He believes that the board is more responsive and in a better place than four months ago. Member Seldin asked about the planning session, Hedrick noted that he had communicated with the planners and expects to have details by the April meeting.

#### Agenda Item 3.1 – Presentation of Board Administrative Procedure and Consideration of Policy Regarding Board Task Forces

Executive Officer Hedrick reported that the document in the board's packet contains pertinent information regarding policies and procedures, but there is no section or policy regarding the appointment of ad hoc committees, task forces or other such entities. Hedrick noted that he had included the existing policy document for the board's review and comment. Legal Counsel clarified that any such group or panel appointed by the board and given direction by the board is subject to the Bagley-Keene Open Meeting Act. M/S/P (Turchi/Seldin) to include the policy regarding board task forces in the board Administrative Procedure Manual.

### Agenda Item 4 – Budget Report

Executive Officer Hedrick presented the budget report, noting that some assumptions have been made regarding staffing and filling vacancies. This budget will enable us to operate effectively and complete the board's work while filling the vacant positions. He noted that exam costs are projected on the second page of the report, and these are dependent upon the impact of WREB candidates who do not apply for California's exam. He added that currently the clinical exam scheduled for March has 87 applicants for 200 slots, although the WREB exam openings for Loma Linda, USC and Nevada/Las Vegas filled in only one hour. Member Mito asked if the exam is self-funded by exam fees, Hedrick replied no, looking at WREB's exam fees it is clear that our exam costs are not covered by exam fees. Member Mito noted that a reduction in exams would result in a net savings in the budget, Hedrick agreed. President SooHoo asked what the budget impacts of WREB membership or other memberships would be to the board. Hedrick noted that there would be no cost to the board or to board members for attending WREB meetings or exams, but that may not be the case for other memberships, adding that out of state travel is normally denied.

## Agenda Item 5 – Committee on Dental Auxiliaries (COMDA) Report

COMDA Chair Shanda Wallace introduced herself and reported that COMDA had held elections and she is COMDA's Chairperson and Dr. Sonia Molina is Vice Chair. She reported that recruitment of a new Executive Officer is in process to replace Karen Wyant, who will be retiring May 2<sup>nd</sup>.

### Agenda Item 5.1 – Approval of Auxiliary Educational Programs and Courses

COMDA Chair Wallace reported that COMDA recommends that the board grant provisional approval to the RDA educational program of San Joaquin Valley College, Rancho Cordova. Member Mito asked if the facility had met all of the regulatory requirements, Wallace responded that there was a site visit of the facility to determine that. M/S/P (Turchi/Seldin) to grant provisional approval to the program.

### Agenda Item 5.2 – Status of SB 1546 Implementation

COMDA Chair Wallace asked if all members had an opportunity to review the handout that COMDA's Executive Officer had prepared and distributed to members yesterday. Wallace gave a brief background on the history of the bill and the Legislature's instruction to place all auxiliary duties in statute as are the dental hygiene duties. She noted that due to the timelines involved, COMDA requests that legislation be sought to delay the implementation of the bill until January 1, 2009 and that one member be selected from the Board and from COMDA to work on those issues. COMDA requests that a provision of that bill seek an appropriation for a staff person to handle the increasing workload of courses and programs that are currently applying and soon will increase exponentially as the provisions of the bill take effect. Vice-Chair Kaye asked for an update on the Oral Surgery Assistant, which seems to be an area of contention with regard to training as well as having a fiscal impact.

Edmund Carolan, CDA, felt that new legislation will have no impact on the regulations, need to move forward with the proposed regulations. He noted that the oral surgery regulations are very intensive, but did not feel that an extension was necessary. Legal Counsel Powell reminded the Board that the bill's provisions go into effect on January 1, 2008, thinking it unlikely that 10 regulatory packages would be completed and the schools time to incorporate the new requirements into their curriculum. Cathy Mudge, CDA, noted that an extension can be requested next year if necessary, but that she saw no reason to make that request now.

Lana Wright, The Alliance, stated that there is an impasse, many issues remain and believed this extension is required. Earl Johnson, California Association of Orthodontists, believes it is time to take control of this, and stakeholders should be represented in the process. M/S/P (Kaye/Hundley) that Member Mito work with COMDA Chair Wallace on the regulations.

### Agenda Item 5.3 – Proposal that Board Delegate Auxiliary Education Program Approvals to Executive Officer

COMDA Chair Wallace noted that regulations are very specific for programs seeking Board approval, and neither the Board nor COMDA has denied staff's recommendation for program approval over the past twenty years. COMDA recommends that the Board formally delegate this authority to the Board's Executive Officer to approve programs instead of delaying

approval until the next Board meeting. Wallace noted that COMDA requests a regulatory change to Section 1001 to formally delegate this authority as reflected in the handout. Member Hundley asked if the Board would continue to have the authority to deny a program. COMDA's Executive Officer, Karen Wyant stated that yes, this is only an attempt to speed up the process in advance of the numerous programs that will apply for approval under the provisions of SB 1546. M/S/P (Turchi/Seldin) to accept the proposed regulatory language, with Member Hundley opposed.

Agenda Item 5.4 – Request by 4-D College to Reconsider COMDA Staff's Disapproval of Sole Use of Dental Offices as Clinical Facilities in Proposed RDA Educational Program

COMDA Chair Wallace summarized the issue by reporting that 4-D College had appeared at COMDA's last meeting to appeal the disapproval of their use of dental offices as the sole clinical facility utilized in their educational program. She reported that this is the legal opinion that COMDA has received: current regulations require that an educational program have an onsite clinical facility. COMDA Executive Officer Karen Wyant clarified that this is not an appeal of the denial of the program, noting that there are other issues under discussion with the program, but historically every program approved within the past thirty years has been required to have an on-site operator for instruction. She noted that most programs contain an externship, in which students who have received a certain amount of instruction go to a dental office to work. COMDA has scheduled an informational hearing at its April meeting to explore if this might be an alternative.

Member Seldin asked if CODA had the same requirements. Lori Gagliardi, CODA Site Evaluator, RDA Program Educator, reported that CODA has the same requirement that a program must have an on-site clinical teaching facility. Earl Johnson, CAO, felt that a dental office most accurately replicates a dental office.

Linda Smith, CEO, 4-D College, provided a handout to the Board and wished to address the effort they have put forward to become an approved program. 4-D has submitted application a number of times and commented on the significant delays encountered. She felt their program is excellent and provides wonderful training and community outreach.

Member Mito asked if this is the only deficiency with the program. COMDA Chair Wallace noted that she had made a concerted effort to resolve the issues, however each deficiency has not been addressed with every application. Member Hundley asked why 4-D has not responded sufficiently and why COMDA has not responded sufficiently. Danetra Ray, who developed the curriculum, stated that she had addressed every issue COMDA had asked for.

Joel Virick, Southern California dentist, Chair of Hygiene Educational Board, asked why both CODA and California would consider a standard that is different from the national standard. Lori Gagliardi, clarified that certain online and distance learning programs approved by CODA do utilize outside facilities which require specific regulation, and urged the Board to support COMDA's recommendation as well as the staff work involved in the approval process. She added that the regulations are in place to protect the public and set the criteria for program evaluation and that must be respected.

M/S/P (Mito/Seldin) to table the discussion until COMDA holds an Informational Hearing, with a report to the Board.

## Agenda Item 6 – Legislative Committee Report

Chair Kaye reported that Executive Officer Hedrick had reported on all of the bills in the packet. M/S (Seldin/Turchi) to change the Board's position on AB 1334 eliminating the prescription requirement for RDHAPs to an oppose position. Member Seldin felt it a critical issue in standards of care and quality of dental care, and believed that the Board had an oppose position on this bill.

JoAnn Galliano, CDHA, stated that the Board had never opposed this bill, COMDA had recommended that the Board seek legislation to remove the prescription requirement, which had been recommended by the Legislative Task Force and by practicing RDHAPs as restrictive to care. She noted that the Board rejected the Task Force report. This bill was not written at that time. She reported that CDHA sponsored this bill in January, and at the March meeting there was no position taken on the bill although the minutes reflected that there was a position taken on the bill. This was corrected in the minutes. She stated that at the May meeting this Board voted to support the bill if amendments specifying that direct supervision duties by RDHs remain direct supervision duties by RDHAPs. The Board agreed to support the bill with those amendments, which have been taken. She noted that there have been no patient safety issues to date, this law was enacted in 1998, and the Legislature's Task Force and the Board's Task Force have found it to be restrictive. M/S/P (Seldin/Turchi) to change the Board's position on AB 1334 to oppose.

Chair Kaye reported on the status of pending regulations, Section 1043 has been filed with OAL on January 11, Section 1044 Oral Conscious Sedation pertaining to minors is currently under review at DCA, additional language pertaining to adults will be heard in March. Section 1079.2, the 15-day Notice of Modified Language has been completed and the package will be sent to DCA for review. He reported that Section 1005, Minimum Standards for Infection Control, must be reviewed annually, and it was last reviewed in 2005.

He reported there was no public comment. The Board voted to accept the report.

## Agenda Item 7 – Diversion Program Report

This item is informational only.

## Agenda Item 8 – Licenses and Permits Ad Hoc Committee Report

Chair Kaye reported that the minutes were approved as presented, there were no Extramural Facilities to be considered, and informational statistics regarding Licensure by Credential were reviewed. He reported that in Closed Session the Committee considered one appeal, and that appeal was granted. He reported that there were no applications for reissuance of a cancelled license, and no public comment. The Board voted to accept the report.

## Agenda Item 9 – Foreign Dental School Certification Ad Hoc Committee Report

Chair Sahabi reported that the appointment of Dr. Mito to the Board left a vacancy on the Technical Advisory Group (TAG). He reported that it was M/S/P (Sahabi/SooHoo) to delegate the responsibility to the Executive Officer to choose one of the four names with the preference being a general dentist. The Board voted to accept the report.

#### Agenda Item 10 – Continuing Education Committee Report

Acting Chair Sahabi reported that it was M/S/P(Turchi/Sahabi) to accept the proposed regulatory language incorporating the mandatory reporting requirements for abuse reporting, recognition and responsibility into Section 1016 into the existing California Dental Practice Act mandatory course requirement . The Board voted to accept the report.

Edmund Carolan, CDA, noted that the request for additional requirements in mandatory reporting of abuse did not come from any deficiency within the system, but from someone who is very passionate about the issue, and though this is a very important requirement, CDA would be opposed to anything further.

#### Agenda Item 11 – General Anesthesia/Conscious Sedation Ad Hoc Committee Report

Chair Kaye reported that the minutes were approved as presented, there was an update on the status of pending regulations: Section 1043 has been filed with OAL, Section 1044 Oral Conscious Sedation pertaining to minors is currently under review at DCA, and additional language pertaining to adults will be heard in March. He reported that adult Oral Conscious Sedation information and applications are currently on the website. He reported that in Closed Session one appeal was granted. The Board voted to accept the report.

#### Agenda Item 12 – Examination Committee Report

Member Mito reported that the minutes were approved as presented, auxiliary and dental exam statistics were reviewed.

Executive Officer Hedrick noted that several RT candidates who were not aware of the Committee meeting yesterday would like to ask questions about the new procedures. President Soo Hoo stated that the reason for the change in the exam format is to test more candidates than the previous exam allowed. He stated that there will be an orientation for all candidates with full instruction. Member Mito asked that the candidates write down their questions and staff will respond to them. Member Seldin appreciated the questions and comments and hoped there would be clear criteria given and put on the website.

Member Mito reported that the Curriculum Integrated Format/Segmented Licensing Exam (CIF/SLE) Pilot Project had been discussed and the Board would like to thank the dental schools and CDA for their efforts to collaborate with the board to design a pilot testing program to allow candidates to take different segments of their exam prior to actual graduation, with the potential of being licensed upon graduation.

Chair SooHoo reported that the Task Force on the Occupational Analysis would meet soon with the Department's Office of Examination Resources to review the examination subject to the Occupational Analysis.

Member Mito reported that there is a discrepancy between the assistant that is allowed during the WREB exam and the California clinical exam. He reported the Executive Officer will consult with OER to determine if this is a significant difference requiring a regulatory change. He reported that the Board had been invited to ADEX membership and ADEX will make a presentation at a future meeting. The Board voted to accept the report.

### Agenda Item 13 – Exam Appeals Committee Report

Chair Hundley reported that there was a quorum of the Exam Appeals Committee, who considered five appeals, two for the clinical exam and three for the RT examination. He reported that of the two appeals of the clinical exam, one was denied and one was granted a passing grade. He reported that of the RT exam appeals, all three were denied. The Board voted to accept the report.

### Agenda Item 14 – Enforcement Committee Report

Chair Hundley reported that the Committee recommends that the remediation policy be reviewed in conjunction with staff's review and revision of disciplinary guidelines. He noted that this issue arose with a letter from Dr. Arthur Dugoni, Dean and Professor of Orthodontics at UOP indicating his belief that 150 hours of remediation is insufficient for the practice of orthodontics. The Board voted to accept the report

### Agenda Item 12 – Infection Control Committee Report

Acting Chair Seldin reported that she was the only member of this two-person committee in attendance. She reported that the review of Section 1005, Minimum Standards for Infection Control, would be agendaized for the next meeting. The Board voted to accept the report.

### Public Comment

None.

The meeting adjourned at 12:07p.m. President SooHoo noted that the Board would hold its regulatory hearing on the WREB regulations at 1:30pm.